

(2021) 01 PAT CK 0224**Patna High Court****Case No:** Criminal Miscellaneous No. 32988 Of 2020

Arvind Rajbanshi

APPELLANT

Vs

State Of Bihar

RESPONDENT

Date of Decision: Jan. 27, 2021**Acts Referred:**

- Bihar Prohibition And Excise Act, 2016 - Section 30(a)

Hon'ble Judges: Ahsanuddin Amanullah, J**Bench:** Single Bench**Advocate:** Sanjay Prasad, Md. Arif**Final Decision:** Disposed Of**Judgement**

1. Heard Mr. Sanjay Prasad, learned counsel for the petitioner and Mr. Md. Arif, learned Additional Public Prosecutor (hereinafter referred to as the "APP") for the State.

2. The petitioner is in custody in connection with Rajgir PS Case No. 244 of 2020 dated 01.08.2020, instituted under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. The allegation against the petitioner is that he was present in the house of Birendra Rajbanshi @ Pandit when the police raided and he along with his wife Birendra Rajbanshi was caught and from the house 45 litres of whisky and 24 litres of beer was seized.

4. Learned counsel for the petitioner submitted that only by chance the petitioner was present in the house as Rekha Devi, who was also caught, as she was his cousin sister and he had gone to meet her. It was submitted that the petitioner has no concern, either with the house or the recovered

liquor, and has no criminal antecedent and is in custody since 01.08.2020.

5. Learned APP submitted that the petitioner was caught in the house from where the recovery was made. However, it was not controverted that the house did not belong to the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Additional

District and Sessions Judge III cum Special Judge Excise, Nalanda at Bihar Sharif in Rajgir PS Case No. 244 of 2020 subject to the conditions (i) that

one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of

the petitioner, and (iii) that the petitioner shall also give an undertaking to the Court that he shall not indulge in any illegal/criminal activity, act in

violation of any law/statutory provisions, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the bonds

or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and

every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

7. The application stands disposed off in the aforementioned terms.